

GREENE-GAYNOR CASE IS DECIDED

American Government is Upheld by the English Privy Council.

THE TWO MEN ARE TO BE REARRESTED

The First Battle Having Been Won, the Fight to Secure Their Extradition Will be Pushed With Renewed Vigor—The History of the Case.

(By Associated Press.) LONDON, Feb. 8.—The Privy Council ordered its decision this morning in the Greene-Gaynor case, in favor of the American government. The Council reversed the two judgments of Justice Caron, of the Exchequer Chamber, dated 13, 1892, and ordered the respondents to pay the costs of the appeal. The Council's decision caustically criticizes the action of Justice Caron in releasing Greene and Gaynor and Caron's "extraordinary intervention," and adds: "Where a prisoner is brought before a competent tribunal, charged with an extradition, and is ordered to be released, it is the duty of the government to secure his removal, and to afford the opportunity of bringing forward evidence whereby the accusation is to be supported, it is in such a case upon a writ of habeas corpus a learned judge is not to be asked to inquire into the merits of the case, but to see that the whole evidence was before him, it would paralyze the administration of justice and render it impossible for proceedings in extradition to be effective."

The decision simply reverses Justice Caron's judgments and leaves Greene and Gaynor under remand as before Justice Caron intervened.

Fight With More Vigor.

(By Associated Press.) MACON, GA., Feb. 8.—When informed of the decision of the English Privy Council in the Greene-Gaynor case, to-day, Special Assistant Attorney-General Marlow, who prepared the papers in the case, declined to make any statement until he had heard more of the decision. He declared, however, that the fight to bring the men back to the United States will be pushed with more energy than before, now that the government has won the first legal battle.

Mr. Erwin was unable to state the next steps to be taken, as the news of the decision had only reached him.

State Department Notified.

(By Associated Press.) WASHINGTON, D. C., Feb. 8.—The State Department received notice of the decision of the Privy Council through the following cablegram from Ambassador Choate: "Court decided in our favor in relation to the Greene-Gaynor case. Opinion rendered by Lord Chancellor. Also in case of the Kelly Do vs. King, the court granted leave to appeal on condition of return of vessel to custody."

Although sufficient detail is not before the law officers here to form a final opinion as to the effect of the Privy Council's decision, the present understanding is that it will result in the immediate rearrest of Gaynor and Greene, who are now at large in Quebec under surveillance of the British secret service officers. There will be a reopening of the extradition proceedings before Judge Andrews, which had been vacated by Justice Caron's action and the officials here feel sure that the request for extradition will be granted.

The Charge.

Gaynor and Greene are technically charged with inducing government money under false pretenses, and the application for extradition was denied in 1903 by Judge Caron on the ground that no such offense was set out in the extradition treaty. If the renewed application is granted the men will be brought to Atlanta, Ga., for trial on charges growing out of the misappropriation of government money in connection with the river and harbor works on the Georgia coast under the administration of Captain Oberlin M. Carter.

The Attorney-General, speaking to-day of the decision of the Judicial Committee of the Privy Council in the Greene-Gaynor case, said that for various and obvious reasons, and especially before the receipt of the full text of the opinion, it is impossible to speak of its effect and the precise result upon the future programme of the government toward the accused.

Jurisdiction Sustained.

It seems clear from the cable reports that the decision sustains the jurisdiction of Montreal extradition commissioner, Mr. Lafontaine, to issue a warrant of arrest valid in Quebec, is sustained, and that on the other hand, after the action of Justice Andrews in remanding the prisoners to the Montreal jurisdiction for the completion of Lafontaine's inquiry, Justice Caron, while having jurisdiction

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WE WISH to call especial attention to our lines of New Hats and Gent's Furnishings for the coming season which are already on display.

Rebate Checks accepted for 5 per cent. discount on cash purchases in all the departments of Tailoring, Haberdashery and Hats at

The Schnurman Store

721 Main Street.

WILLIAMS HOTLY REPLIES TO BARR

(Continued from First Page.)

I beg to return letters in duplicate here, with yours truly, J. M. BARR.

(Signed) "Venomous Attacks."

"Immediately after the writing of the above letter, Mr. Williams began, without other provocation, his venomous attacks upon me. "It was definitely agreed with Mr. Williams, at the time I took charge of the Seaboard Air Line Railway for its operation, that if I found reduction in the cost of service could be made by grade revisions, or by providing necessary facilities for the economic handling of business, that money would be provided therefor. This has not been done. When I took charge of the property in 1903, I found it in a bad physical condition, and it was being 'skinned' for the purpose of making a showing. If the methods then in effect had been continued, it would have been impossible to move trains safely over the road. The work of improving the property was immediately begun, and has been carried forward systematically since. This has been done, however, without the support of Mr. Williams, who desired instead that a showing would be made in behalf of the market value of the company's securities, at the expense of the property.

"JAMES M. BARR."

"Norfolk, Va., January 20, 1905."

"Statement Untrue."

Replying to the circular letters of Messrs. John L. Williams and Sons of January 17, 1905, written by Mr. John Williams, in which he is criticized for "exaggerating" the financial requirements of the road, and suggesting unprofitable expenditure of money in improvements, Mr. Barr says:

This statement is untrue and without foundation, as is shown below: The committee of the Executive Committee of the Seaboard Air Line Railway, on April 22, 1904, in compliance with its request, a budget covering the wants of the road for the next five years, so far as included in the budget, was submitted to the board of directors at an estimated cost of \$2,700,000. This item was included in said budget in compliance with request by said committee for an estimate of the cost of reducing grades on the main lines of the Seaboard Air Line Railway to one per cent., and shows clearly on its face that the work was not justified under existing conditions.

My letter of April 22, 1904, transmitting the budget named to the Executive Committee, states:

"As to grade revisions. Present traffic will not justify the cost of revising main lines to one per cent. grades, as the interest on the cost thereof will exceed the saving resulting therefrom. One exception to this statement is the proposed revision of the grade of the line from Raleigh and Raleigh to one per cent. grade line should be made, and the cost thereof will be more than offset by saving resulting. The cost of this work will be within \$35,000."

A Strong Charge.

Mr. Williams has, therefore, made a willful misstatement of the facts in this case, or else he is incapable of understanding the interests are concerned, as would appear from the transaction given below:

The memorandum of agreement, of August 2, 1903, between John L. Williams and Sons, of Richmond, Va., et al., parties of the first part; the Seaboard Air Line Railway, a corporation of the State of Virginia and North Carolina, party of the second part; and the Savannah and Statesboro Railway Company, a corporation of the State of Georgia, party of the third part, executed by the Seaboard Air Line Railway, contains the following provision:

"Article No. 3. The Savannah and Statesboro Railway Company agrees that as compensation to the parties of the first part for their services in securing from the Seaboard Air Line Railway, a corporation of the State of Virginia and North Carolina, the first mortgage bonds of the Savannah and Statesboro Railway Company as aforesaid, thereby placing the latter company in a position whereby it can with greater facility arrange to make the proposed extension of line, it will pay and deliver to said parties of the first part twenty-five thousand dollars (\$25,000), of its first mortgage bonds."

This guarantee was regularly authorized by the Board of Directors of the Seaboard Air Line Railway, on Mr. Williams' initiative. He did not state to the board, however, that he was to be paid a commission for procuring same.

As owners of a majority of the stock of the Savannah and Statesboro Railway Company, he and his associates voted themselves a commission of \$25,000 in the first mortgage bonds of said road, and for securing the guarantee by the Seaboard Air Line Railway of \$125,000, per value, of the first mortgage bonds of the Savannah and Statesboro Railway, owned by him and his associates; and while serving as president of the Seaboard Air Line Railway he accepted said commission as compensation for inducing said railway to guarantee the first mortgage bonds of the Savannah and Statesboro Railway Company.

JAMES M. BARR.

Norfolk, Va., Jan. 25, 1905.

Vigorous Reply.

In reply to the charges, Mr. John Williams, making the following statement through The Times-Dispatch: This matter is far larger than any per-



HOW THE MAYOR'S ORDER STRIKES "PAPA"!

sonal question between Mr. Barr and myself. What I have said of him was necessary to show the stockholders that the Seaboard properties under his control were not intelligently and fairly administered; that his management and reports have not given these properties fair opportunity to demonstrate their real worth, and that most of the misfortunes attending them, which we are now suffering, were the direct results of his mismanagement, misstatements and faulty calculations. These charges constitute the real and the one important issue. Nothing is to be gained by endless discussion of matters of detail or by prolonged recriminations.

Mr. Barr cannot disprove what I have said of him by falsely charging, as he has done, my firm or myself with receiving commissions on Savannah and Statesboro bonds, with "skinning" the Seaboard, or with attempting to lease a building in Richmond at a low rate to a property in which we are interested. All these charges are false. Apparently he is trying to divert attention from that issue by forcing us on the defensive. He will not be allowed to do this.

It is impossible on this short notice, and in newspaper space to analyze and reply in detail to Mr. Barr's sophistical defense. That will be done as quickly as possible. I will be willing to abide the public verdict on the result.

"Charge Is False."

The one matter in this circular in which he makes a direct accusation of alleged fact, and in which he is that of the Savannah and Statesboro Railroad, and that demands immediate and serious attention. His charge is that my firm received a commission of \$25,000 of Savannah and Statesboro bonds for securing the endorsement. This charge is false and here are the facts to prove it to be so:

The Savannah and Statesboro road was purchased several years ago by my firm, Messrs. Middendorf & Co., and associates in order to secure to the Seaboard Air Line Railway the benefit of that company's business. This was only done for the purpose of securing the many lines in which we have invested, and for the purpose of providing a road for the Seaboard without requiring the Seaboard to provide the funds for securing the business.

In the summer of 1903, I informed the board of directors that my firm and associates found it desirable to realize on their investment in the Savannah and Statesboro Railroad, and if that the Seaboard Air Line desired either to purchase it or to guarantee its first mortgage bonds, that they would be willing to turn it over to the Seaboard Air Line Railway on whatever terms the board of directors of the Seaboard Air Line Railway might think fair and proper, but that if the Seaboard did not wish to make this arrangement, that we might find it desirable to sell the road elsewhere.

Committee Investigated.

Thereupon a committee composed of James M. Barr, then vice-president and general manager of the Seaboard; W. W. Maackall, of Savannah, and Major James H. Dooley, of Richmond, then chairman of the Executive Committee of the Seaboard, was appointed to look into the matter and report to the board of directors their recommendations. This committee made its report, which was signed by Mr. Barr himself, after he had made a careful examination of the property, its physical condition, and with a full knowledge of the case. An arrangement was concluded under which my firm and associates agreed to surrender \$200,000 of first mortgage six per cent. bonds of the Savannah and Statesboro road, which they owned, and accepted in lieu of the \$125,000 new five per cent. bonds of the Savannah and Statesboro Railroad, to be guaranteed by the Seaboard Air Line Railway, turning over at the same time to the Seaboard Air Line fifty-one per cent. of the entire capital stock of the Savannah and Statesboro Railroad for the nominal sum of one hundred dollars, all of the capital stock of the road, as well as all of its bonds, having been owned by my firm and associates.

In brief, we gave to the Seaboard the control of the Savannah and Statesboro road and stock which carried last year five per cent. consideration of its capital stock of five per cent. bonds, replacing a larger amount of six per cent. bonds. The arrangement obviously was for the advantage of both roads. We did not charge or receive a dollar of commission therefor. My firm and Mr. Middendorf still own the Savannah and Statesboro Railroad, and originally held Air Line Railway.

Another Charge "False."

Mr. Barr's statement that the road

was being skinned for the purpose of making a showing, and that with the methods in effect at the time that he came into the property, that it would have been impossible to move trains safely over the road, is also false. As a matter of fact, the road had many more accidents after he came to it than it had been having under previous administrations, as records will show. Mr. Barr says that it was definitely agreed when he came to the road that if he found a reduction in cost of service could be made by grade revisions and by providing necessary facilities that money would be provided therefor, and that the money promised has not been provided; that is also untrue. More than one million dollars were provided for betterments and improvements, &c., from the sale to Vermilye and Company of the ten-year collateral trust 5's at the very time Mr. Barr came to the Seaboard in May, 1901, and large additional sums have been provided each year since.

As to the Lease.

Equally false and absurd is the allegation that I submitted to Mr. Barr for approval a lease of the News Leader building here before its purchase by that newspaper, on terms unfair to the railway. The facts are that as I was interested both in the railway and in the newspaper, I refused to take part in fixing the rental referred to, but arranged that the question of a fair rental be left to arbitration, and named as arbitrator Mr. James H. Dooley, a director of the Seaboard, and former chairman of its Executive Committee, who was in no sense interested in the newspaper, and it was the lease embodying the terms recommended by Major Dooley that Mr. Barr declined to sign. No other lease was ever at any time been made or agreed to between the two parties.

Exposing Mr. Barr.

It has been my unpleasant duty, in protecting the interests of the Seaboard stockholders, to detect and expose Mr. Barr's misstatements of facts and denial of truth, on several occasions and to direct attention to the incompetence or dishonesty of his management. It is now my duty to my firm and to myself to present to the stockholders a proof of my charges and assertions against him, which I shall do as above intimated, as soon as the necessary documents can be consulted and arranged. Incidentally, I shall disprove all the assertions and insinuations with which he has endeavored to identify himself from the weakness of his own defense by making untrue charges against others.

OBITUARY.

Charles E. Miller.

Mr. Charles E. Miller, formerly a well known merchant of this city and for many years a resident of Richmond, died at 10:46 o'clock at his residence on West Cary Street. Mr. Miller retired from active business about ten years ago, owing to ill health, and for some time had been failing, so that his death was not unexpected. He had been able to be up until last Friday, at which time he grew worse until death came to him.

Charles E. Miller was born in Writzen, on the Oder River, in Prussia. In 1860 he came to this country and located in Wisconsin. Soon afterward he enlisted in the First Wisconsin Regiment as a sergeant and served until the close of the war. He then moved to Richmond, Va., embarked in the grocery business, in which he continued until failing health compelled him to relinquish active work. Mr. Miller was a member of the Bethlehem German Evangelical Lutheran Church, and was a deacon therein for many years. He is deceased by those kind and loved as a loyal friend and his husband and father, and was greatly esteemed in Richmond.

In 1866, he was married to Miss Matilda Franck, daughter of the late J. Franck, of this city. She survives him, as do his two brothers and six children. The children are Mrs. H. F. dooley, Mrs. Helen, and Rosina, and Messrs. Rudolph C. Otto L., and Paul W. Miller. The funeral services will take place this afternoon at 3:30 from the Bethlehem German Evangelical Lutheran Church. The following list of pall-bearers are announced:

Honorary—Messrs. George Schwalm, Chas. A. Hanewinkel, John Steinmann, Carl Miller, William Moser and Gus Harvey.

Active—Messrs. A. Hartung, A. Feltig, H. Nolde, A. Holzer, F. Mehlbrock, S. Seyle, E. Pollitz and H. Geophardt.

Robert McCluer Paxton.

Information was received in this city of the death of Mr. Robert McCluer Paxton, at 2 P. M. yesterday at his home at Sherwood, Rockbridge county, after a short illness of pneumonia, aged twenty-eight years. Deceased was a son of Mr. and Mrs. J. S. Paxton, of Rockbridge. The deceased married Miss Corning of this city, who, with two children, survives him. Mr. Paxton was associated with his brother, William, in business at Sherwood. This brother survives him. He was a cousin of Mr. David Laird, of this city.

The funeral services will take place Friday at noon from the Pulling Presbyterian Church, and the interment will be in the church yard.

Funeral of Mrs. Ball.

The funeral of Mrs. Rebecca Ball, wife of Henry B. Ball, of the Pulling Presbyterian Church, who died at her home on Graham Street, Pulling, Monday afternoon at 1 o'clock, after a prolonged illness, took place yesterday afternoon at 3 o'clock from the Pulling Baptist Church, of which she had been a faithful member for a number of years.

Mrs. Ball was fifty-five years of age, and is survived by her husband, Henry B. Ball; three brothers, Messrs. Thomas,

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for Infants and Children.

The Kind You Have Always Bought has borne the signature of Chas. H. Fletcher, and has been made under his personal supervision for over 30 years. Allow no one to deceive you in this. Counterfeits, Imitations and "Just-as-good" are but Experiments, and endanger the health of Children—Experience against Experiment.

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Stephen and B. Mithson, three sisters, Mrs. W. Mithson, widow, Mrs. Virginia Childs, and Mrs. Mollie Anderson, and five daughters, Mrs. I. L. Hancock, Mrs. J. W. Daniel, Miss Rena, Myrtle and Rachel, Burial in the interment took place at Oakwood Cemetery.

Charles A. Epes, Jr. (Special to The Times-Dispatch.) BLACKSTONE, VA., Feb. 8.—Little Charlie, fifteen years of age, the son of Mr. Charles A. Epes, of Blackstone, Va., died at his father's home Friday, February 3d. He had been fading away from Bright's disease for several years. On Wednesday he complained of "not feeling well," on Thursday a rapid collapse set in, in which soon involved the brain, and on Friday afternoon at 2 o'clock he passed away. He was buried on Sunday afternoon in a pretty storm of sleet and hail, but the strong of children and grown people, with floral offerings, testified the love of all ages for him. He was mainly and generally a good boy, and his neighbors and companions in school and Sunday school were his mourners. Many sorrow with his family.

Mrs. O. F. Dilworth. (Special to The Times-Dispatch.) NORFOLK, VA., Feb. 8.—Mrs. O. F. Dilworth, wife of Mr. William J. Dilworth, and daughter of the late Peter Whitehurst, died this morning at 10 o'clock at her home, 1115 Penchurst Street, after a long illness from pneumonia. The deceased was a native of Norfolk and well known in the community.

Miss Maggie Hanson. (Special to The Times-Dispatch.) LURAY, VA., Feb. 8.—Miss Maggie Hanson, of Newport, Va., while visiting at her relatives, the family of Mr. P. N. Shuler, died of pneumonia at the home of the deceased on Saturday, Feb. 4, at 10 o'clock. She was a daughter of Mr. Solon Hanson.

Mrs. Lena Gish. (Special to The Times-Dispatch.) ROANOKE, VA., Feb. 8.—Mrs. Lena Gish, wife of George W. Gish, died in Vinton last night, aged thirty-eight years. She is survived by her husband and one child.

Mrs. Laura Rhodes. (Special to The Times-Dispatch.) ROANOKE, VA., Feb. 8.—Mrs. Laura Rhodes, wife of Mr. R. B. Rhodes, died in Vinton last night from pneumonia, aged forty-two years. Deceased was a native of Rockbridge county. She is survived by her husband and six children.

John Arthur Jones. (Special to The Times-Dispatch.) SUFFOLK, VA., Feb. 8.—John Arthur Jones, aged seventy years, died this morning, as a result of injuries received when a boy, and after limping sixty years, the break brought on erysipelas and blood-poison and death.

Mrs. W. H. C. McFadden. (Special to The Times-Dispatch.) WARM SPRINGS, VA., Feb. 8.—Mrs. W. H. C. McFadden, of Warm Springs, Va., died Sunday, February 6th, of pneumonia, aged sixty years. Deceased was a native of Virginia and was buried in Warm Springs Cemetery.

William Smith. (Special to The Times-Dispatch.) FREDERICKSBURG, VA., Feb. 8.—Mr. William Smith, of Stafford county, died yesterday at his home near Brooke, of paralysis, aged sixty-five years. He is survived by two brothers and two sisters.

R. M. Fry. (Special to The Times-Dispatch.) ORANGE, VA., Feb. 8.—John A. Fry, of Orange, Va., place, and younger brother of Mr. Philip H. Fry, clerk of the Circuit Court here, died at his home at Fort Smith, Ark., last Friday evening, at about sixty years of age, and leaves a widow and several children.

DEATHS.

BARKER.—Died, in Washington, D. C., on morning February 10th, 1905, LAMAR GEORGE BARKER, in his ninety-four years.

The remains will leave Christian's Undertaking Parlor at 10 o'clock, interment in Hollywood.

HENSEL.—Died, at 208 East Marshall, at 8 P. M., WILLIAM FREDERICK HENSEL, in his eighty-fourth year. Funeral FRIDAY AFTERNOON at 3 o'clock from St. John's German Church, Eighth and Marshall. Interment in Oakwood.

JOHNSON.—Died, yesterday afternoon in Manchester, at 4:20 o'clock, Mrs. ANNIE E. JOHNSON, aged eighty-three years.

Funeral from home, 210 E. Eleventh Street, at 11 A. M. Interment at Clayville, Va. Remains leave Manchester at 12:30 P. M. February 10th.

MILLER.—Entered into rest, February 7, 1905, at 10:18 P. M., at his residence, 217 West Cary Street, CHARLES E. MILLER, in the seventy-fourth year of his age.

Funeral will take place THIS (Thursday) AFTERNOON at 3:30 o'clock from the Bethlehem Evangelical Lutheran Church. Relatives and friends are invited to attend.

MALLOREY.—Died, Wednesday, February 8th, at 3:30 A. M., VIRGINIA RAN-DOLOPH MALLOREY, widow of the late James A. Mallore, aged sixty-five years.

Funeral THIS (Thursday) AFTERNOON at 3 o'clock from Third Presbyterian Church. Lawrenceville (Va.) papers please copy.

Bead Necklaces and Bangle Bracelets.

"Those who know" endorse the quality, appearance and prices of those we offer. We will be pleased to have you call and see them.

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Our work the best in city. Our prices very low. 50 cards from plate, 35c. Try us and you'll save 50 per cent. on engraving. All work guaranteed or returnable. SOUTHERN STATIONERY CO., Twelve-Six Main Street.

FRICK AND ROGERS ON ATCHISON BOARD

(By Associated Press.)

NEW YORK, Feb. 8.—H. C. Frick and H. H. Rogers were elected directors of the Atchison, Topeka and Santa Fe Railway Company at a meeting of the Atchison board of directors in this city to-day. Messrs. Frick and Rogers are both in the employ of the Union Pacific Railroad Company, and are understood to enter the Atchison as representatives of the Union Pacific.

VIRGINIAN PRESIDENT OF BREEDERS' ASSOCIATION

(Special to The Times-Dispatch.)

BOTETOWN, MASS. Feb. 8.—The Thomas Turnbull, Jr., of Casanova, Va., was elected president of the Atchison Breeders' Association at the thirty-eighth annual meeting in this city to-day.

A Canning Scheme.

(Special to The Times-Dispatch.) DANVILLE, VA., Feb. 8.—The farmers of Henry county met at Martinsville to hear the report of the committee recently sent to Botetown county, Pennsylvania capitalists having signified a desire to locate such a business.

The necessary number of farmers would not come into the scheme, and the big industry, therefore, will be abandoned so far as Martinsville is concerned, although it is possible that the plant will be located at Stuart. The committee advised that a number of small canneries be established in various sections of the county instead of one large plant.

XANTHINE!

PROF. HERTZ GREAT GERMAN HAIR RESTORATIVE

LOOK BEAUTIFUL ONCE AGAIN.

Why the withered and gray hair like a tree dying at the top?

XANTHINE

is not a dye, but it brings back the original natural color by giving new life to the hair. The same for hair of any color. Also stops dandruff; promotes growth.

At druggists. Price 25c. Insist on getting it. If your druggist has not got it, send us 10c and we will send you a bottle. CHARGES PREPAID. Write us for circulars.

XANTHINE CO., MARIETTA, GA.

CATARRH

Cannot be cured by Sprays or other Local Applications.

Catarrh is not, as is generally believed, a local disease, but is due to serious causes deep-seated in the blood. Blood Taint and Lowered Vitality are the conditions which give rise to Catarrh and sprays, washes, smoking preparations or other local remedies cannot do more than temporarily relieve the symptoms and can never reach and cure the disease itself. Many doctors direct their efforts to relieving the mere symptoms of Catarrh, treating it as a strictly local disease and totally losing sight of the real causes that underlie the outward signs of this malady. Catarrh, if not promptly arrested and cured, may cause consumption or lead to very serious diseases of the digestive organs.

Botanic Blood Balm (B. B. B.) cures Catarrh quickly, thoroughly and permanently. Its curative properties act directly on the blood, driving out the poison, purifying and strengthening the whole system. It relieves immediately the disgusting symptoms of Catarrh, such as hawking, spitting, nose bleeding, ringing in the ears, the dropping of catarrhal matter into the throat, sick stomach, etc. It absolutely and permanently cures all forms of Catarrh—Catarrh of the Nose, Ear, Throat, Eyes, Lungs, Stomach, Liver or Kidneys. If you have any of the symptoms of Catarrh, don't waste time and money on worthless local remedies, but get B. B. B.—the medicine that is guaranteed to cure.

Botanic Blood Balm (B. B. B.) is sold by all druggists. Price 50c per large bottle. If taken in sufficient quantity according to directions on label and not cured, money is refunded. Write for free book containing valuable medical advice and the history of many remarkable cures made by B. B. B.

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